

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

LEON STAMBLER, §
§
Plaintiff, § CIVIL ACTION NO. 2:10-cv-594
v. §
§ JURY TRIAL DEMANDED
ATMOS ENERGY CORP., et al §
§
Defendants. §

**AGREED MOTION TO DISMISS DEFENDANTS WAL-MART STORES, INC. AND
WAL-MART.COM USA, LLC WITH PREJUDICE**

Pursuant to Fed. R. Civ. P. 41(a)(2) and (c), Plaintiff Leon Stambler (“Plaintiff”) and Defendants Wal-Mart Stores, Inc. and Wal-Mart.com USA, LLC move the Court to dismiss with prejudice from the above-entitled and numbered cause any and all claims by Stambler against Defendants Wal-Mart Stores, Inc. and Wal-Mart.com USA, LLC and to dismiss with prejudice all counterclaims by Defendants Wal-Mart Stores, Inc. and Wal-Mart.com USA, LLC against Stambler. Each party shall bear its own costs and attorneys’ fees. A proposed order is attached.

DATED: October 30, 2012.

/s/ Brent N. Bumgardner
Brent N. Bumgardner
Texas State Bar No. 00795272
Attorney-in-Charge
Edward R. Nelson, III
State Bar No. 00797142
Christie B. Lindsey
Texas State Bar No. 24041918
Ryan P. Griffin
Texas State Bar No. 24053687
Thomas C. Cecil
Texas State Bar No. 24069489
NELSON BUMGARDNER CASTO, P.C.

/s/ Victor de Gyarfas
Victor de Gyarfas
FOLEY & LARDNER LLP
555 South Flower Street
Suite 3500
Los Angeles, CA 90071-2411
(213) 972-4500
(213) 486-0065-fax
vdegyarf@foley.com

Laura L. Chapman
SHEPPARD MULLIN RICHTER & HAMPTON, LLP
Four Embarcadero Center, 17th Floor

3131 West 7th Street, Suite 300
Fort Worth, TX 76107
(817) 377-9111
Fax (817) 377-3494
bbumgardner@nbclaw.net
enelson@nbclaw.net
clindsey@nbclaw.net
rgriffin@nbclaw.net
tcecil@nbclaw.net

Eric M. Albritton
State Bar No. 00790215
ALBRITTON LAW FIRM
P.O. Box 2649
Longview, TX 75606
(903) 757-8449
(903) 758-7397 (fax)
ema@emafirm.com

T. John Ward, Jr.
State Bar No. 00794818
WARD & SMITH LAW FIRM
P.O. Box 1231
Longview, Texas 75606
(903) 757-6400
(903) 757-2323 (fax)
jw@jwfir.com

Ronald A. Dubner
Texas State Bar No. 06149000
Attorney and Mediator
9555 Lebanon Road, Suite 602
Frisco, Texas 75035
(214) 432-8283
(888) 501-3052 (fax)
rondub@gte.net

**ATTORNEYS FOR PLAINTIFF
LEON STAMBLER**

San Francisco, CA 94111
(415) 434-9100
(415) 434-3947 – fax
lchapman@sheppardmullin.com

Michael C. Smith
Larry A. Phillips
SIEBMAN, BURG, PHILLIPS & SMITH, LLP
113 E. Austin Street
P.O. Box 1556
Marshall, Texas 75671
(903) 938-8900
(903) 767-4620-fax
michaelsmith@siebman.com
larryphillips@siebman.com

**ATTORNEYS FOR DEFENDANTS
WAL-MART STORES, INC. AND
WALMART.COM USA, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of October, 2012, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Brent N. Bumgardner

CERTIFICATE OF CONFERENCE

I certify that on October 30, 2012, I conferred with counsel for Defendants Wal-Mart Stores, Inc. and Wal-Mart.com USA, LLC and they are in agreement with this motion.

/s/ Brent N. Bumgardner